Application of: JOHNSON, Timothy A. et al.
Serial No.: 10/629,855
Filed: July 30, 2003
Reply to Office Action of February 2, 2009

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussions, is respectfully requested. Claims 1-12 are currently pending in the application, and no claims have been amended. In the outstanding Final Office Action, claims 1-12 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Ohtani et al.* (U.S. Patent No. 6,470,050.) Applicants respectfully traverse the rejections to the claims.

In response to a request to clarify the Examiner's position (Amendment dated 8/10/2009, p 6) with respect to the limitation of the claim 1 of "testing .... whether a second threshold number of pixels in the current block changed in pixel value by at least a third noise threshold wherein the second threshold is at least two," the Examiner apparently equates the "third noise threshold" of the claim with "the number of change points in one block." (Final Office Action dated 11/18/2009, p. 3). However, Applicants respectfully submit that a change point is simply a point where adjacent pixel values have changed, and the number of change points is simply the number of points where adjacent pixel values have changed (column 12, lines 52-56). Neither a change point nor the number of change points are thresholds, and similarly *Ohtani et al.* does not disclose testing whether a second threshold number of pixels in the current block changed in pixel value by at least the number of change points.

A change point, as its name suggests, is simple a point of change, not a threshold. The "number of change points" or number of points where change *has* already occurred is a number that is not used in *Ohtani et al.* to compare as a threshold to any given pixel on whether that pixel has changed. Nowhere in *Ohtani et al.* is a pixel tested whether it changed by the "number of change points." A change point is an indication of a change in a pixel value between adjacent pixels, not a threshold itself. For example, the Ohtani et. al. recognizes that a change point is merely a transition from one pixel to another:

> [T]he change point detection unit 71 recognizes that <u>a change point is between these pixels</u> (col. 13, ll. 12-15; emphasis added).

Applicants submit that the claims are in condition for allowance, but if this or any other rejection is to be maintained, Applicants respectfully request that the Examiner cite specific portions of the cited reference and explain how the Examiner believes the number of change

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points is applied to the claim by citing specific portions of the specification for clarity, pursuant to 37 C.F.R. 1.104(c)(2) and M.P.E.P. 707.07(i).

Applicants reiterate the arguments made previously in the Amendment dated August 10, 2009. Applicants respectfully submit that *Ohtani et al.* does not teach or suggest "whether a second threshold number of pixels in the current block changed in pixel value by at least a third noise threshold, wherein the second threshold is at least two" nor "if the test of . . . step b.ii. is true, then communication information indentifying the pixel values within the block," as recited, for example, in claim 1. *Ohtani et al.* does not teach or suggest testing whether a second threshold number of pixels changed in pixel value by a third noise threshold. Consequently, *Ohtani et al.* does not teach or suggest communicating information if the previously mentioned test is true, and similarly, *Ohtani et al.* does not teach, as admitted by the Examiner, or suggest the second threshold being at least two.

The Examiner cites the accumulation unit 72 of *Ohtani et al.* with respect to "whether a second threshold number of pixels in the current block changed in pixel value by at least a third noise threshold, wherein the second threshold is at least two." However, the accumulation unit 72 merely calculates the frequency of the number of change points in a block. The accumulation unit 72 performs no *tests* at all. In fact, it does nothing but calculate accumulation, as the name suggests. The Examiner cites the following passage:

> The accumulation unit 72 calculates the frequency as the number of change points in one block which is composed of a prescribed number of pixels, and outputs the result to a frequency storage unit 73 as well as supplies the result to a motion estimation unit 74. (Col. 13, ll. 15-19).

This makes no mention of a test, does not teach or suggest testing whether a second threshold number of pixels changed by at least a third noise threshold, and does not teach or suggest the second threshold being at least two. Furthermore, as a result, *Ohtani et al.* also does not teach or suggest communicating information based on this test.

The Examiner also cites Figure 9(b) with respect to this limitation, without describing how it applies to the claim limitation. (Office Action, p. 3). However, Figure 9(b) merely shows a frequency distribution of change points.

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FIG. 9(b) shows frequency distribution of the change points in each block, assuming that one block is composed of four pixels in FIG. 9(a). (Col. 12, ll. 55-57).

This also does not disclose a test and does not teach or suggest testing whether a second threshold number of pixels changed by at least a third noise threshold. Further, it does not teach or suggest the second threshold being at least two.

Since the accumulation unit 72 of merely counts (*i.e.*, calculating the number of change points in one block), Applicants respectfully submit that there is no disclosure of this component performing a *test*. Applicants submit that the claims are in condition for allowance, but if this or any other rejection is to be maintained, Applicants respectfully request that the Examiner clarify how, in the Examiner's view, the accumulation unit 72 of *Ohtani et al.* is performing testing of thresholds and cite specific portions of the cited reference for clarity, pursuant to 37 C.F.R. 1.104(c)(2) and M.P.E.P. 707.07(i).

Claim 1 and 7 are thus patentable over the cited references. Claims 2-6 and 8-12 depend from claims 1 and 7 respectively and are thus patentable for at least the same reasons. Consequently, in view of the present remarks, the currently pending claims are believed to be in condition for allowance, and an early and favorable action to that effect is respectfully requested.

CHARGE STATEMENT: Deposit Account No. 501860, order no. **2540-0664**.

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/ Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.
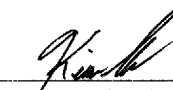
This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

	Respectfully submitted,
CUSTOMER NUMBER **42624**	By: _____ Kimani Clark Registration No.: 45,969

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